Subject: Hot Import Nights
From: Bruce Ecker <larux@pacbell.net>
Date: 09/17/2016 10:50 PM
To: Officer Nua <31681@lapd.lacity.org>, Sergeant Plows <26926@lapd.lacity.org>
CC: James Allen <james@randomlengthsnews.com>, Augie Bezmalinovich <ABezmalinovich@portla.org>, James Brown <jbbeer@msn.com>, eric eisenberg <ericeoban@gmail.com>, "Warren A. Gunter" <w.gunter@sbcglobal.net>, Terelle Jerricks <editor@randomlengthsnews.com>, jsw.spiritcruises@sbcglobal.net, Lorena Parker <lparker@sanpedrobid.com>, Yolanda Regalado <yolanda@sirensjavahouse.com>, ruben.vives@latimes.com, Ryan <ryan.ferguson@lacity.org>, Ben Schirmer <ben@hcbf.org>, warren@parkhurstgalleries.com, Morris Warschaw <morriswarschaw@gmail.com>, Jonathan Williams <jwilliams@labattleship.com>, Lauren Halligan <lauren.halligan@lacity.org>, Vyger1952@rocketmail.com

Officer Nua, Sergeant Plows,

As you know, once again the Hot Import Nights lifestyle event is going to be held in downtown San Pedro. If you have been in touch with Lorena Parker you know that I have several concerns about this event... among them the adult entertainment that has been on display in past, the association of the cars on display with street racing, and the noise produced by the participants, vendors and by the sound stages.

For the last two years the noise generated by this event has been in gross violation of the local noise ordinances. In spite of that I have had no success trying to get the event organizers, the past executive director of PBID or the LAPD to provide any enforcement or relief on the day of the event.

In the past I have found that LAPD dispatch will not send an officer out on a noise complaint to a permitted event, and I was informed by a Harbor Division officer at the Watch Commander level that there is an unwritten policy instructing them not to enforce city noise ordinances for permitted events... in spite of the language (below) of Sec 111.05

SEC. 111.05. ENFORCEMENT, CITATIONS.
*(b) T**he Police Department shall have the power and duty to enforce the following noise control provisions of this Code:** Section 41.32, Section 41.40, Section 41.42, Section 41.44, Section 41.57, Section 63.51(m), Section 112.01, Section 112.04, Section 112.05, Section 112.06, Section 113.01, Section 114.01 through Section 114.05, inclusive, **Section 115.02, and Section 116.01.***

I have made numerous attempts to get a commitment from the current executive director of PBID that the noise ordinance that applies to this event will be conveyed to the promoter and will be enforced. To date, this has been her response:

-------- Forwarded Message --------
Subject: Re: Hot Import Nights
Date: Tue, 13 Sep 2016 14:28:42 -0700
From: Lorena Parker <lparker@sanpedrobid.com>
To: Bruce Ecker <larux@pacbell.net>

Bruce,

LAPD is the enforcement agency. They will be on-site so you will not need any cell phone number. Your request has been sent to them. ***Furthermore, Section 115.02 does not apply to permittees.***

There is functional myth in this area that a permitted event is exempt from the city sound ordinances.

After discussions with David Rivera, Senior Street Services Investigator with the Los Angeles Bureau of Street Services (the city agency that issues the permit) I have been informed that there is no language in any event permit that provides a waiver or an exemption from local noise ordinances. The Bureau of Street Services web page that deals with special event permits directs applicants to a web page of Municipal Codes and provisions that contains the restrictions on on amplified sound:

http://bsspermits.lacity.org/spevents/common/lapd_related_codes.htm

After discussions with Officer Vicencio of the Los Angeles Noise Enforcement Team, I have been informed that it would not be legal or even possible to to issue an event permit that would contravene any city ordinance.

As was pointed out to us at the meeting that we attended with Deputy City Attorney Lauren Halligan, 115.02 is the nose ordnance that covers amplified sound on public property.

SEC. 115.02. PROHIBITION AND REGULATIONS.

It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, or permittees duly authorized to use the same pursuant to Sec. 103.111 of this Code, to install, use, or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any public street, alley, sidewalk, park or place, or other public property except when installed, used or operated in compliance with the following provisions:

(a) In all residential zones and within 500 feet thereof, no sound amplifying equipment shall be installed, operated or used for commercial purposes at any time.

(b) The operation or use of sound amplifying equipment for noncommercial purposes in all residential zones and within 500 feet thereof, except when used for regularly scheduled operative functions by any school or for the usual and customary purposes of any church, is prohibited between the hours of 4:30 p.m. and 9:00 a.m. of the following day.

(c) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

(d) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for noncommercial purposes is prohibited between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(e) The only sounds permitted shall be either music, human speech, or both.

(f) Sound emanating from sound amplifying equipment shall be limited in volume, tone and intensity as follows:

1. The sound shall not be audible at a distance in excess of 200 feet from the sound equipment.

I would like to meet with you as soon as possible to discuss the issue and make sure that one or more of the LAPD officers that will be in the area and policing this event are aware of specific aspects of 115.02 that do apply, and that the noise code can and need to be enforced. I would also like to make sure that there is a way to contact these officers if enforcement action needs to be taken.

Specifically:

1. The sound shall not be audible at a distance in excess of 200 feet from the sound equipment.

Based on the event layout provided by PBID, I have attached a map showing the location of the sound stage and the legal radius that limits how far the amplified sound from the stage can travel. This portion of the noise code requires no sound motoring equipment and needs only be witness by an LAPD officer for enforcement action to be taken.

(c) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

This event is permitted to continue till 10pm, but since this is a commercial (for profit) event, the ordinance states the amplified sound must cease at 9pm.

Officer Vicencio of the of the Los Angeles Noise Enforcement Team suggested that you call him or Officer Hernandez (also part of the Noise Enforcement Team) if you have any questions as to the the enforcement mechanisms available to LAPD officers at the event.

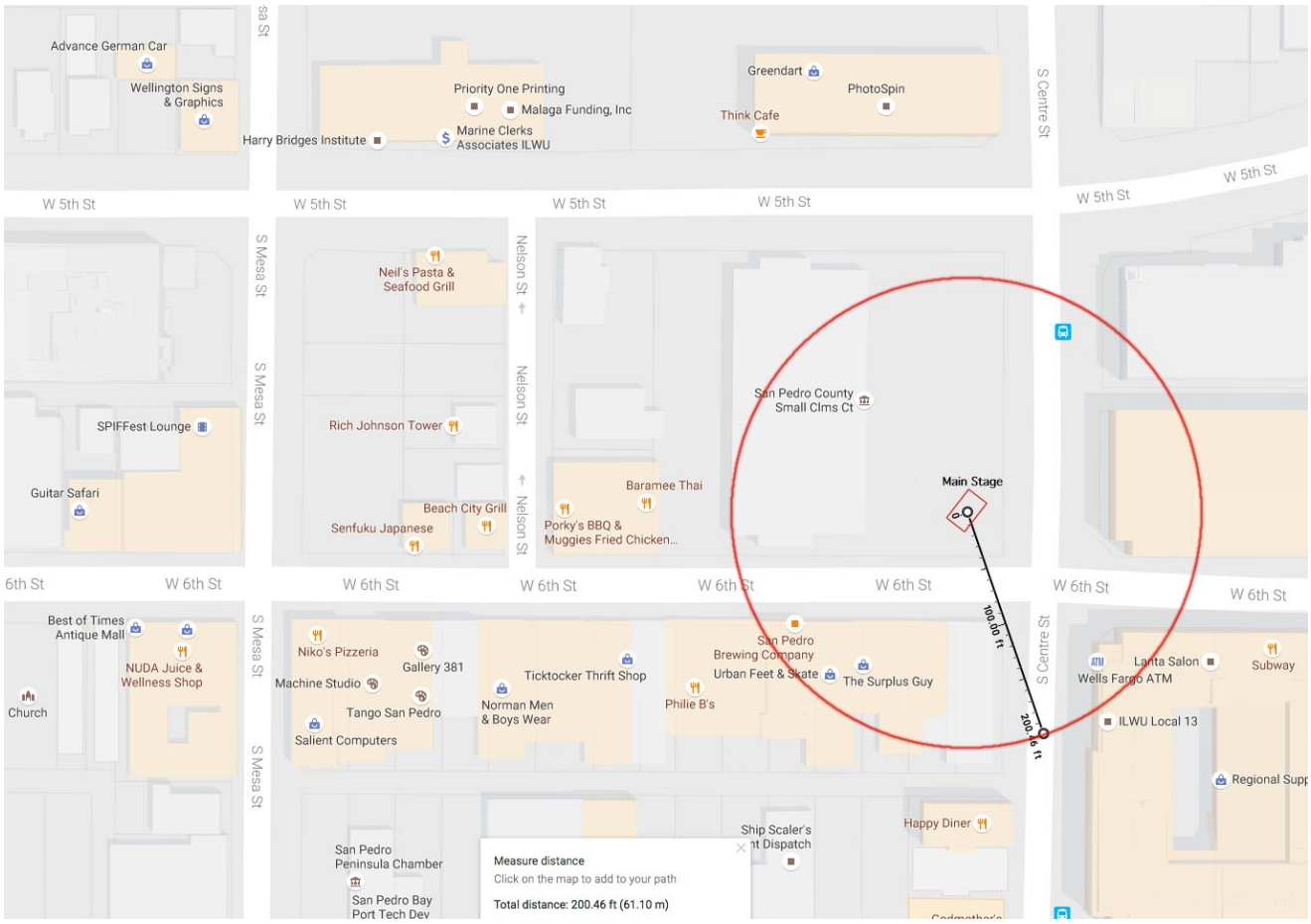
Please get In touch with me as soon as you can so we can discuss how the amplified sound aspect of this event will be kept within the legal framework of LAMC 115.02.

Regards,

Bruce Ecker

310-748-3151

hin_sound_radius.jpg



Attachments:

hin_sound_radius.jpg 121 KB